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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/731,055

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Frank R. Overstreet

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COATS & BENNETT/SONY ERICSSON

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EXAMINER

BEMBEN, RICHARD M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/731,055	Applicant(s) OVERSTREET, FRANK R.	
	Examiner RICHARD M. BEMBEN	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 9-13, 24 and 26-30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 17-23, 25 and 31-46 is/are rejected.
- 7) ☐ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/26/04, 7/7/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Species 1 in the reply filed on 21 December 2007 is acknowledged. The traversal is on the ground(s) that the Examiner did not articulate reasons why each alleged invention is either independent or distinct from the others and why there would be a serious burden on the Examiner if restriction is not required. This is not found persuasive.

The Examiner stated that Species 1-3 are directed to related products. The related inventions are distinct if (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e. are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). The Examiner further stated that these species have a materially different design, mode of operation, and function. Species 1 is directed toward an adjustable terminal support comprising a ball that fits into the socket of a stand; Species 2 is directed toward an adjustable terminal support comprising a cradle with arms and a locking mechanism in order to hold devices that vary in size and shape and are made by a variety of manufactures; Species 3 is directed toward an adjustable terminal support comprising a threaded receptacle that directly attaches the adjustable terminal support to a tripod.

These species are also mutually exclusive. Claims to different species are mutually exclusive if one claim recites limitations disclosed for a first species but not a second, while a second claim recites limitations disclosed only for the second species

and not the first. See MPEP 806.04(f) [R-3]. For example, Species 1 requires a ball member, which is not required by Species 2 or 3; Species 2 requires arms and a locking mechanism, which are not required by Species 1 or 3. Finally, these species are not obvious variants of each other based on the current record.

There would be a serious burden on the examiner because Species 1-3 require a different field of search. Even though Species 1-3 may be classified together, they would require different search inquiries. See MPEP 808.02 [R-5].

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-3, 5-7, 19-23, 25, 31-36, 38-42 and 44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2004/0004671 filed by Takahashi.**

Regarding **claim 1**, Takahashi discloses a stand for a camera-equipped wireless communications device (refer to [0012], "mobile phone with a camera") comprising:

a base to support the camera-equipped wireless communications device (refer to [0098] and Figure 11, leg portion 602);

an adjustable terminal support movably mounted to the base ([0098]-[0099]; Figure 11, camera mounting unit 604; also refer to [0103], [0112]-[0113], and [0120]-[0127] which describe movement), and including a system plug (refer to [0099] and Figure 11, connection terminal 608) that connects to a system interface on the camera-equipped wireless communications device (refer to Figure 11);

an auxiliary system connector mounted to the base to connect a peripheral device associated with the camera-equipped wireless communications device to the base (refer to [0100] and Figure 11 digital communication terminal 612); and

a system bus extending through the interior of the base that interconnects the system plug and the auxiliary system connector (refer to [0100] and Figures 7 and 11).

Regarding **claim 2**, refer to the rejection of claim 1 and Takahashi further discloses a power bus to provide power to the system plug (refer to [0100]; Figure 7).

Regarding **claim 3**, refer to the rejection of claim 1 and Takahashi further discloses that the power bus further provides power to the auxiliary system connector (USB terminals provide power from which USB devices may draw power).

Regarding **claim 5**, refer to the rejection of claim 1 and Takahashi further discloses that the adjustable terminal support comprises a shaft (refer to [0120]-[0122])

and Figures 15A-B, the mechanism comprising support portion 802, engaging projection 804, recesses 808A-B, support receiver 806).

Regarding **claim 6**, refer to the rejection of claim 5 and Takahashi further discloses that the shaft comprises a telescoping shaft (refer to [0119]-[0127] and Figures 15A-B).

Regarding **claim 7**, refer to the rejection of claim 1 and Takahashi further discloses that the adjustable terminal support provides one or more degrees of freedom to the camera-equipped wireless communications device (refer to [0103]-[0108] and Figures 12A-B disclosing lateral, i.e. side to side, movement; refer to [0112]-[0118] and Figure 13 disclosing rotational movement; and refer to [0119]-[0127] and Figures 15A-B disclosing vertical and tilting movement).

Regarding **claim 19**, refer to the rejection of claim 1 and Takahashi further discloses that the system bus electrically connects the system plug to the auxiliary system connector (refer to Figure 7 and [0100], all components are electrically connected – “610 and 612 are connected to the connection terminal 608”).

Regarding **claim 20**, refer to the rejection of claim 1 and Takahashi further discloses that the base is a charger for the camera-equipped wireless communications device (refer to [0099], “The cradle 600 functions as a stand for stably holding the digital

camera 510, and also functions as a terminal for relaying the charging and the connection to external equipment by electrically connecting to the digital camera 510").

Regarding **claim 21**, refer to the rejection of claim 1 and Takahashi further discloses that the camera-equipped wireless communications device includes an integrated camera ([0012], "mobile phone with a camera").

Regarding **claim 22**, refer to the rejection of claim 1 and Takahashi further discloses that the camera-equipped wireless device connects to a separate camera accessory via the system bus ([0099]-[0100], "external equipment").

Regarding **claim 23**, Takahashi discloses a stand for a camera-equipped wireless communications device comprising:

a terminal support (refer to [0098]-[0099] and Figure 11, camera mounting unit 604) having a shaft (refer to [0120]-[0122] and Figures 15A-B, the mechanism comprising support portion 802, engaging projection 804, recesses 808A-B, support receiver 806); and

a system plug disposed at one end of the shaft to connect to a system interface on the camera-equipped wireless communications device (refer to [0099] and Figure 11, connection terminal 608).

Regarding **claim 25**, refer to the rejection of claim 23 and Takahashi further discloses that the shaft comprises a telescoping shaft (refer to [0119]-[0127] and Figures 15A-B).

Regarding **claim 31**, Takahashi discloses a method of positioning a camera-equipped wireless communications device (refer to [0012], "mobile phone with a camera") along multiple axes using a stand associated with the camera-equipped wireless communications device (refer to [0103]-[0108] and Figures 12A-B disclosing lateral, i.e. side to side, movement; refer to [0112]-[0118] and Figure 13 disclosing rotational movement; and refer to [0119]-[0127] and Figures 15A-B disclosing vertical and tilting movement) comprising:

- connecting a system interface on the camera-equipped wireless communications device to a system plug on an adjustable terminal support movably mounted to a base (refer to [0098]-[0102] and Figures 7 and 11);

- connecting an interface of a peripheral device associated with the camera-equipped wireless communications device to an auxiliary system connector mounted to the base (refer to [0100] and Figure 11 digital communication terminal 612); and

- interconnecting the system plug and the auxiliary system connector with a system bus that extends through the interior of the base (refer to Figure 7 and [0100], all components are electrically connected).

Regarding **claim 32**, refer to the rejection of claim 31 and Takahashi further discloses charging a battery in the camera-equipped wireless communications device via a power bus that extends through the interior of the base to the system plug (refer to [0099], “The cradle 600 functions as a stand for stably holding the digital camera 510, and also functions as a terminal for relaying the charging and the connection to external equipment by electrically connecting to the digital camera 510”).

Regarding **claim 33**, refer to the rejection of claim 31 and Takahashi further discloses charging the auxiliary battery in the peripheral device via the system bus (it is inherent that USB terminals provide power from which USB devices may draw power, including to charge portable devices).

Regarding **claim 34**, refer to the rejection of claim 31 and Takahashi further discloses positioning the camera-equipped wireless communications device by pivoting the adjustable terminal support (refer to [0103]-[0108] and Figures 12A-B disclosing lateral, i.e. side to side, movement; refer to [0112]-[0118] and Figure 13 disclosing rotational movement; and refer to [0119]-[0127] and Figures 15A-B disclosing vertical and tilting movement).

Regarding **claim 35**, refer to the rejection of claim 31 and Takahashi further discloses adjusting the height of the camera-equipped wireless communications device attached to the adjustable terminal support by extending a telescoping shaft on the

adjustable terminal support (refer to [0119]-[0127] and Figures 15A-B disclosing vertical movement).

Regarding **claim 36**, refer to the rejection of claim 31 and Takahashi further discloses positioning the peripheral device by pivoting the auxiliary system connector (it is inherent that a USB cable can easily be pivoted to position the “external device”).

Regarding **claim 38**, Takahashi discloses a stand for a camera-equipped wireless communications device (refer to [0012], “mobile phone with a camera”) comprising:

- a base (refer to [0098] and Figure 11, leg portion 602);

- a terminal support (refer to [0098]-[0099] and Figure 11, camera mounting unit 604) having a system plug (refer to [0099] and Figure 11, connection terminal 608) and mounted to the base (refer to Figure 11);

- an auxiliary system connector mounted to the base (refer to [0100] and Figure 11 digital communication terminal 612);

- a power line to provide power to the system plug and the auxiliary system connector (refer to [0100] and Figures 7 and 11); and

- a system bus interconnecting the system plug and the auxiliary system connector (refer to [0100] and Figures 7 and 11).

Regarding **claim 39**, refer to the rejection of claim 38 and Takahashi further discloses that the power line connects to the base (refer to [0100] and Figures 7 and 11).

Regarding **claim 40**, refer to the rejection of claim 38 and Takahashi further discloses that power line extends through the interior of the base and connects to the system plug (refer to Figure 7 and [0100], all components are electrically connected – “610 and 612 are connected to the connection terminal 608”).

Regarding **claim 41**, refer to the rejection of claim 38 and Takahashi further discloses that the system bus electrically connects the power line to the auxiliary system connector (refer to Figure 7 and [0100], all components are electrically connected).

Regarding **claim 42**, refer to the rejection of claim 41 and Takahashi further discloses that the terminal support provides one or more degrees of freedom to the camera-equipped wireless communications device (refer to [0103]-[0108] and Figures 12A-B disclosing lateral, i.e. side to side, movement; refer to [0112]-[0118] and Figure 13 disclosing rotational movement; and refer to [0119]-[0127] and Figures 15A-B disclosing vertical and tilting movement).

Regarding **claim 44**, refer to the rejection of claim 38 and Takahashi further discloses that the system plug connects to a system interface on the camera-equipped

wireless communications device (refer to [0099] and Figure 11, “The connection terminal 608 shown in Fig. 11 is engaged in the cradle connection terminal 518 on the camera side...”).

Regarding **claim 45**, refer to the rejection of claim 44 and Takahashi further discloses that the auxiliary system connector connects to a peripheral device associated with the camera-equipped wireless communications device (refer to [0099]-[0100], “The cradle 600 functions as a stand for stably holding the digital camera 510, and also functions as a terminal for relaying the charging and the connection to external equipment by electrically connecting to the digital camera 510”).

Regarding **claim 46**, refer to the rejection of claim 45 and Takahashi further discloses that the camera-equipped wireless communications device communicates with the peripheral device via system bus (refer to [0099]-[0100]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 4 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of U.S. Pub. No. 2002/0186317 filed by Kayanuma.**

Regarding **claim 4**, Takahashi discloses the limitations of claim 1 including a base to support the camera-equipped wireless communications device. However, Takahashi does not disclose a threaded mounting point disposed on the underside of the base to mount the base to a tripod.

Kayanuma discloses a base to support a camera comprising a threaded mounting point disposed on the underside of the base to mount the base to a tripod (refer to [0056] and Figures 3 and 4, screw hole 42). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a threaded mounting point on the underside of the base to mount the base to a tripod as disclosed by Kayanuma in the base disclosed by Takahashi in order to mount the base to a tripod. One would be motivated to do so (1) in order to elevate the image capture device or (2) in order to stabilize the image capturing device in order to avoid capture error due to hand shake.

Regarding **claim 37**, refer to the rejection of claim 4 above.

6. Claims 8 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of U.S. Patent No. 2,670,228 issued to Pagliuso.

Regarding **claim 8**, Takahashi discloses the limitations required in claim 1, including an adjustable support terminal. However, Takahashi does not disclose that the adjustable support terminal includes a ball member at one end that is movably retained by the base.

Pagliuso discloses a ball swivel tripod assembly head comprising an adjustable support terminal that includes a ball member at one end that is movably retained by the base (refer to Figure 1, element 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the adjustable support terminal includes a ball member at one end that is movably retained by the base as disclosed by Pagliuso in the stand disclosed by Takahashi in order to allow an increased range of motion for the camera-equipped wireless communications device.

Regarding **claim 43**, refer to the rejection of claim 8.

7. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi in view of U.S. Patent No. 4,081,814 issued to Bulland.

Regarding **claim 17**, Takahashi discloses the required limitations of claim 1 including an auxiliary system connector on the base to connect a peripheral device. However, Takahashi does not disclose that the peripheral device is a flash accessory.

Bulland discloses a stand for a camera comprising a base and an auxiliary system connector to connect a peripheral device, such as a flash accessory (refer to col. 3, ll. 35-55 and Figures 1-3, flash attachment 26). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to connect a flash accessory as disclosed by Bulland on the auxiliary system connector, which connects the base to “external devices”, as disclosed by Takahashi. One would have been motivated to do so in low light conditions when a flash device is required to

properly illuminate the scene. One would be further motivated to do so when considering a mobile phone with a camera because many mobile phones with a camera do not have integrated flash capability.

Regarding **claim 18**, Takahashi discloses the required limitations of claim 1 including an auxiliary system connector on the base to connect a peripheral device. However, Takahashi does not disclose that the peripheral device is another camera.

Bulland discloses a stand for a camera comprising a base and an auxiliary system connector to connect a peripheral device, such as another camera (refer to col. 3, ll. 61-68 and Figure 3). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to connect another camera as disclosed by Bulland on the auxiliary system connector, which connects the base to “external devices”, as disclosed by Takahashi. One would have been motivated to do so in order to capture images simultaneously with the two cameras or to simply support one camera while the photographer captured an image with the other camera.

Allowable Subject Matter

8. Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references disclose tripod accessories for cellular (mobile, radio) telephones with cameras, i.e. "camera equipped wireless terminals". Note that the following references do not qualify as prior art.

U.S. Patent No. 7,290,740 issued to Joy et al.

U.S. Patent No. 7,128,297 issued to Lee

JP 2004-235964 filed by Igari

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are a few examples of many ball-and-socket type tripod heads:

U.S. Patent No. 6,352,228

U.S. Patent No. 5,505,415

U.S. Patent No. 916,286

U.S. Patent No. 1,280,013

U.S. Patent No. 2,650,788

U.S. Patent No. 2,670,228

U.S. Patent No. 5,072,907

U.S. Patent No. 6,209,830

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RICHARD M. BEMBEN whose telephone number is (571)272-7634. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard M Bemben
Examiner, Art Unit 2622

/Lin Ye/
Supervisory Patent Examiner, Art Unit 2622